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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA,

4 v.

15 Cr. 588 (ER)

5 AHMED MOHAMMED EL GAMMAL,

6 Defendant.

7 -----x
8 New York, N.Y.
9 January 20, 2017
10 9:15 a.m.

11 Before:

12 HON. EDGARDO RAMOS,

13 District Judge

14 APPEARANCES

15 PREET BHARARA

16 United States Attorney for the
17 Southern District of New York

BRENDAN F. QUIGLEY

17 NEGAR TEKEEI

18 ANDREW J. DeFILIPPIS

Assistant United States Attorneys

19 FEDERAL DEFENDERS OF NEW YORK, INC.

Attorneys for Defendant

20 BY: SABRINA SHROFF

21 ANNALISA MIRÓN

DANIEL G. HABIB

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Trial

(In open court; jury not present)

MR. HABIB: A few matters, your Honor. First we're moving pursuant to Rule 29 for a judgment of acquittal on the grounds of insufficiency.

MR. QUIGLEY: Your Honor, we think the government has established a prima facie case certainly to allow the jury to convict the defendant on all counts of the indictment. So there's a sufficient basis to find that Samy El-Goarany did travel in fact to join ISIS. There are numerous pictures of him appearing to be in ISIS, social media communications where he indicates that he's in ISIS especially when combined with the expert testimony about the training that ISIS recruits receive. There's certainly a basis to find that the defendant both aided and abetted and conspired with El-Goarany by helping him get to Turkey and link up with Attiya, and there's a basis to find that the defendant knew what he was doing from the social media communications, from post-travel communications and from various attempts to conceal his actions. So we think certainly there's a basis for a reasonable jury to find guilt on each and every count.

THE COURT: The application is denied.

Mr. Habib?

MR. HABIB: Thank you. With respect to the objections the government raised as to Defense Exhibits 140AA and 113BB, we don't intend to offer 140AA.

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9 January 25, 2017
10 9:15 a.m.

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13 District Judge

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1 several text messages back and forth. So I expect to hear a
2 lot of those conversations again, and there is nothing, I don't
3 see how the defense is prejudiced in any event.

4 But, again, we've gotten the representation it is
5 going to be approximately two hours give or take for the
6 government and we'll take it from there.

7 Anything else?

8 MS. MIRON: And we also renew our Rule 29 motion.

9 MR. QUIGLEY: Again, your Honor, for the same reasons
10 we stated at the conclusion of the government's case, we think
11 there is certainly evidence for a reasonable jury to find the
12 defendant's guilt on each and every count of the indictment,
13 there's significant evidence that -- frankly, very strong
14 evidence that Samy El-Goarany joined ISIS, that the defendant
15 assisted him in getting to Turkey and linking up with Attiya,
16 and evidence that the defendant knew what he was doing.

17 THE COURT: The Rule 29 motion is denied.

18 MS. MIRON: One last issue, we renew our request that
19 the summary exhibit not be given to the jury. It is the better
20 practice not to provide the jury with a summary exhibit. It's
21 not a comprehensive display of the evidence, the government's
22 going to make their arguments and the jury can consider it.

23 THE COURT: Mr. Quigley.

24 MR. QUIGLEY: Your Honor, I think the Court
25 appropriately ruled before that the summary exhibits can go